IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

**SATURDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SIX**

PRESENT
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.10759 of 1997

Between:

Chinna Reddy Balaraju.

..... PETITIONERS

AND

**1.Commissioner of Land Revenue,
Andhra Pradesh, Hyderabad, and 2 others.**

.....RESPONDENTS

The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.10759 of 1997

Order:

This Writ Petition has been instituted questioning the correctness of the order passed by the Special Commissioner, Land Revenue, Andhra Pradesh, Hyderabad, on 04-09-1996, wherein the

order passed by the second respondent-Joint Collector, Ananthapur, in his proceedings R.Dis. (A4)11786/88, dated 19th April, 1989, was confirmed.

The second respondent-Joint Collector, after putting the writ petitioner on notice and after hearing him, had come to the conclusion that the writ petitioner, who was born on
01-07-1952, was ineligible to be assigned the land admeasuring Ac.5-04 cents situated in Survey No.606/1 of P.Yeleru Village, Atmakur Mandal, Anantapur District, because, as on
02-10-1969, the petitioner was only 17 year old student, and he cannot fall within the meaning of the expression 'landless poor person' to become eligible to seek or to be granted such an assignment on that day. In view of this finding of fact, the second respondent-Joint Collector cancelled the assignment granted in favour of the writ petitioner. On appeal, the Special Commissioner of Land Revenue did not find any valid or justifiable reasons to upset the finding of fact recorded by the second respondent-Joint Collector, Ananthapur. Hence, the present Writ Petition.

On behalf of the Writ Petitioner, it has been contended that the second respondent-Joint Collector is not justified in taking into consideration and account, the facts that the writ petitioner had inherited 9 acres of agricultural land from his grand father and that his grand mother was also assigned land of an extent of Ac.3-47 cents in the same village. These factors, according to the learned Counsel for the writ petitioner, are extraneous factors for consideration, and therefore, the order passed by the second respondent-Joint Collector, is vitiated.

However, the fact remains that the writ petitioner's date of birth is 01-07-1952, as was ascertained by the Joint Collector from the scholastic record produced by the petitioner during the course of enquiry. Therefore, by the time the writ petitioner came to be assigned the land in question, he was hardly 17 years old and he was prosecuting his higher education. Therefore, the writ petitioner cannot be described to be a landless poor person at that stage of his life. In so far as this finding of fact is concerned, there is no material on record to suggest it to be a perverse conclusion.

In this view of the matter, without going into other contentions canvassed by the learned Counsel

for the writ petitioner, I find no merit in this Writ Petition and the same is, accordingly, dismissed. There shall be no order as to costs.

(Nooty Ramamohana Rao, J)

18th November, 2006
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